

**BUUS v. WAMU PENSION PLAN SETTLEMENT**  
**FREQUENTLY ASKED QUESTIONS**

**1. Why did I receive a Notice of the proposed settlement?**

You received the Notice because our records indicate that you or a family member are a member of a Class that is included in the proposed settlement of a lawsuit.

**2. How do I know if I am a member of the Class?**

If you received a Notice in the mail, our records indicate that you are a member of the Class. If you heard about the settlement in some other way, you may be a member of the Class if you are in one of the groups listed below.

- You were a participant in the Great Western Retirement Plan immediately prior to January 1, 1997, and you earned benefits under the Great Western Retirement Plan's cash balance formula beginning January 1, 1997;
- You were a participant in the WaMu Pension Plan immediately prior to January 1, 1987, and you earned benefits under the WaMu Pension Plan's cash balance formula beginning January 1, 1987;
- You were a participant in the Pacific First Bank Retirement Plan immediately prior to April 1, 1994, and you earned benefits under the WaMu Pension Plan's cash balance formula beginning April 1, 1994;
- You were a participant in the Great Western Retirement Plan immediately prior to January 1, 1998, and you earned benefits under the WaMu Pension Plan's cash balance formula beginning January 1, 1998;
- You were a participant in the H.F. Ahmanson & Company Retirement Plan immediately prior to July 1, 1999, and you earned benefits under the WaMu Pension Plan's cash balance formula beginning July 1, 1999; or
- You were a participant in the Dime Bancorp, Inc. Retirement Plan immediately prior to April 1, 2002, and you earned benefits under the WaMu Pension Plan's cash balance formula beginning April 1, 2002.

The lawsuit may also involve you if you are a beneficiary of a person in one of the groups listed above.

**3. My husband/wife/other relationship was entitled to pension benefits from Washington Mutual Bank. Am I entitled to participate in the settlement?**

You are a member of the Class if you have a legal entitlement to receive some or all of a participant's benefits and are the beneficiary of a person in one of the following groups.

- The person was a participant in the Great Western Retirement Plan immediately prior to January 1, 1997, and earned benefits under the Great Western Retirement Plan's cash balance formula beginning January 1, 1997;
- The person was a participant in the WaMu Pension Plan immediately prior to January 1, 1987, and earned benefits under the WaMu Pension Plan's cash balance formula beginning January 1, 1987;
- The person was a participant in the Pacific First Bank Retirement Plan immediately prior to April 1, 1994, and earned benefits under the WaMu Pension Plan's cash balance formula beginning April 1, 1994;
- The person was a participant in the Great Western Retirement Plan immediately prior to January 1, 1998, and earned benefits under the WaMu Pension Plan's cash balance formula beginning January 1, 1998;
- The person was a participant in the H.F. Ahmanson & Company Retirement Plan immediately prior to July 1, 1999, and earned benefits under the WaMu Pension Plan's cash balance formula beginning July 1, 1999; or
- The person was a participant in the Dime Bancorp, Inc. Retirement Plan immediately prior to April 1, 2002, and earned benefits under the WaMu Pension Plan's cash balance formula beginning April 1, 2002.

#### **4. What is a class action lawsuit?**

A class action is a legal proceeding where one or more people, known as Named Plaintiffs, act as the representatives of a group of people and sue on behalf of people who have similar claims. Here, the Named Plaintiffs are representing themselves and all members of the Class. The Court resolves the issues for all Class members in one proceeding.

#### **5. What is the lawsuit about?**

On January 1, 1987, the pension plan covering employees of Washington Mutual Bank, which is known as the WaMu Pension Plan, was converted to a cash balance formula. On January 1, 1997, the pension plan covering employees of Great Western Bank was converted to a cash balance formula. Washington Mutual acquired Great Western Bank and several other banks and applied the WaMu Pension Plan's cash balance formula to certain employees of those banks. The Plaintiffs claimed that the WaMu Pension Plan's cash balance design and the Great Western Retirement Plan's cash balance design violated the law governing pensions and that the notices that Washington Mutual and Great Western provided to employees regarding the cash balance formulas were not adequate. The Defendants denied the Plaintiffs' allegations. If you would like to view the Plaintiffs' complaint, you may review it on this website.

**6. I heard about the settlement of ERISA litigation involving Washington Mutual. Is there more than one class action settlement involving Washington Mutual at this time?**

Yes. These questions and answers apply to the *Buus v. WaMu Pension Plan* settlement, which is a settlement involving the WaMu Pension Plan. This settlement is unrelated to the settlement that has been reached in the case titled, *In re Washington Mutual ERISA Litigation*, which is a settlement involving the WaMu Savings Plan. You can obtain more information about the settlement involving the WaMu Savings Plan on this website by clicking on the link for the *In re Washington Mutual Litigation* case or by contacting Lead Counsel in that case at 1-800-269-0794 or [info@WaMu401kSettlement.com](mailto:info@WaMu401kSettlement.com).

**7. Does the WaMu Pension Plan's cash balance benefit formula discriminate against participants based on age?**

That was a claim in the lawsuit, but the Court dismissed the claim. Defendants believe that the WaMu Pension Plan's cash balance benefit formula does not discriminate based upon age and that the Plan has complied with and continues to comply with applicable laws. By settling the case, Defendants are not admitting any wrongdoing.

**8. Why did the Defendants agree to settle?**

Defendants deny any liability to the Class. They agreed to settle, however, because the settlement puts the matter to rest for the company and the participants in its pension plan.

**9. Why did the Plaintiffs agree to settle?**

The Plaintiffs and their counsel believe their claims have merit. They agreed to settle, however, because the settlement provides prompt and certain benefits to every member of the Class.

**10. Am I being sued?**

No, you are not being sued. You may be part of the Class that is suing the WaMu Pension Plan and the Washington Mutual Pension Plan Administration Committee.

**11. I did not agree to let anyone sue on my behalf. Why has this happened?**

The law allows one or more people, under certain circumstances, to bring a claim on behalf of a group. That happened here.

**12. Can I exclude myself from the Class?**

No.

**13. What will I receive in the settlement?**

The settlement was approved by the Bankruptcy Court on October 20, 2010, and the District Court on October 29, 2010. The settlement will not become effective until (1) the appeal period expires or any appeal is resolved and the settlement remains approved, and (2) the Internal Revenue Service approves a plan amendment to implement the settlement. If both of these events occur and you are on the list of Class members, you will receive a settlement amount in the form of a credit to either your existing cash balance account or to a new cash balance account that will be created for you. In general terms, the total settlement amount, less certain attorneys' fees and administrative expenses, will be allocated on a *per capita* basis to Class members who have been identified and whose addresses have been ascertained after reasonable efforts. "*Per capita*" means that each person on the list of Class members will receive the same settlement amount as every other person on the list of Class members. Therefore, the exact amount that you will receive depends on whether you are on the list of Class members and how many other persons are on that list. On October 28, 2010, the Parties filed with the Court the current list of Class members who will be entitled to receive a settlement amount. The Parties will file a final list of Class members who will be entitled to receive a settlement amount by December 15, 2010, together with the settlement amount that each person will receive.

**14. Why does everybody receive the same settlement amount?**

A *per capita* allocation was chosen because the Parties determined that giving different amounts to different Class members would require a time consuming and expensive process. Given the amount of the settlement fund, the number of plans involved, the length of the Class period, and the status of the data, which goes back more than twenty years and includes data from the acquisitions of four different banks, the Parties determined that it would not be appropriate to attempt to make individual calculations of recoveries, and agreed that the best interests of the Class would be served by allocating the settlement proceeds on a *per capita* basis.

**15. How will the settlement amount be distributed? Will I get cash?**

If you are on the list of Class members, your settlement amount will be distributed as a credit to your cash balance account. You will not receive cash. If you have not yet commenced receiving pension benefits, you will receive your settlement amount as a credit to your cash balance account. If you have taken a distribution of pension benefits already, the settlement amount will be credited to a new cash balance account that will be created for you. It will be governed by the same Plan terms as other accounts, including for purposes of taking a cash distribution of the settlement amount. After the effective date of the settlement, you may contact the WaMu Pension Service Center at 1-888-869-3779 for information on how to take a cash distribution of the settlement amount.

**16. When will I receive my settlement amount?**

Although the settlement has been approved by the Bankruptcy Court and the District Court, further steps must occur before settlement distributions can be made. First, the settlement has an appeal period from the date the Final Approval Order was entered. If someone files an appeal during this period, then no payments can be made until after the appeal is resolved. Second, the

IRS must approve the amendment to the pension plan implementing the settlement. At this time, the IRS has not provided information regarding how long it anticipates this process will take, so the Parties do not know when settlement amounts will be available to Class members. If and when the IRS provides information regarding the expected timing of approval of the plan amendment implementing the settlement, the Parties will provide an update on this website.

**17. What is the court approval referred to in the Notice? Was the settlement approved?**

Because the case is a class action, the Court was required to approve the settlement before it became final. The Court held a hearing on October 29, 2010 at 9:00 A.M. Pacific Time to decide whether to give final approval of the settlement. In order to approve the settlement, the Court had to determine that the settlement was fair to the Class. At the hearing, the Court concluded that the settlement was fair and granted final approval to the settlement, and a final judgment reflecting that approval was entered on November 2, 2010. In addition, the Bankruptcy Court where Washington Mutual, Inc.'s chapter 11 cases are pending approved the settlement on October 20, 2010.

**18. Is it too late for me to object to or comment upon the settlement agreement?**

Yes. The period for objections closed on October 15, 2010. Class members are no longer able to file objections to or make comment on the terms of the settlement.

**19. Is it too late for me to object to the payment of attorneys' fees or the incentive awards?**

Yes. The period for objections closed on October 15, 2010. Class members are no longer able to file objections to or make comment on the terms of the settlement.

**20. Who is paying the attorney for the Class and how much will he or she be paid?**

Under the terms of the settlement, Lead Counsel will receive attorneys' fees in the amount of \$4.2 million (which is 21% of the total settlement amount of \$20 million), and payment of their expenses. On October 29, 2010, the Court approved Lead Counsel's request for payment of \$4.2 million in fees and \$389,515.39 in expenses. The Court's approval order can be found on this website.

**21. Are the Named/Lead Plaintiffs receiving anything more than the rest of the Class?**

As Class members, the Named Plaintiffs will receive an amount in the settlement equal to the amount received by all other identified members of the Class. In addition, because the Named Plaintiffs represented the Class throughout the litigation, and expended time and effort on behalf of the Class, the Named Plaintiffs will receive incentive payments. The aggregate total of these incentive payments is \$65,000. These payments were approved by the Court during the October 29, 2010 hearing.

**22. Will I release any claims if the settlement becomes effective?**

Yes. If the settlement agreement becomes effective, all Class members will release Defendants and the other Releasees and all companies and persons related to them from all of the claims in the lawsuit and any other claims about the cash balance formulas of the WaMu Pension Plan and the Great Western Retirement Plan that could have been brought in the Buus action. Under the Final Judgment, the lawsuit has also been dismissed with prejudice.

**23. What happens if a person appeals the settlement or if the IRS does not approve the plan amendment implementing the settlement?**

If a person appeals the settlement, the Parties will defend the judgment approving the settlement in the appellate court and whether the settlement becomes effective will depend on the success of that defense. If the IRS does not approve the plan amendment implementing the settlement, the settlement will not become effective. However, the Parties have an obligation to negotiate in good faith regarding any modifications to the settlement that may be necessary to obtain IRS approval. No one can predict the results of that process.

**24. Is the settlement affected by the WaMu bankruptcy? How is it affected?**

Approval of the settlement by the Bankruptcy Court was required before the Settlement became final. The Bankruptcy Court approved the settlement on October 20, 2010. A copy of the Bankruptcy Court's Order can be found on this website.

**25. I lost money/other benefits due to the WaMu bankruptcy. Will the Court decide my other claims?**

The Bankruptcy Court established March 31, 2009 as the deadline for filing proofs of claim against Washington Mutual, Inc. in its chapter 11 case. Washington Mutual, Inc. is in the process of reviewing all proofs of claim. If Washington Mutual, Inc. has an objection to a claim, it must provide the claimant with notice of such objection so that the claimant can respond and be heard by the Bankruptcy Court. In addition, certain persons who were listed on Washington Mutual, Inc.'s schedules of assets and liabilities filed with the Bankruptcy Court and whose claims were not described as "disputed," "contingent," or "unliquidated" may also have a claim against Washington Mutual, Inc. For further information, please contact Washington Mutual, Inc.'s Restructuring Hotline at 1-888-830-4644.

**26. Where is the money coming from to pay for the settlement?**

If the settlement becomes effective, the WaMu Pension Plan accounts of those participants who are members of the Class will be increased by the aggregate amount of \$20 million, less certain fees and expenses associated with the implementation of the settlement. The settlement will be funded from the WaMu Pension Plan's current assets.

**27. Where can I get additional information about the settlement?**

You can review a full copy of the settlement agreement and other related information and documents on this website. You can also contact Lead Counsel at:

Keller Rohrback L.L.P.  
1201 Third Avenue  
Suite 3200  
Seattle, Washington 98101  
1-800-244-7577  
info@wamupensionplansettlement.com

**28. I would like to speak to the attorney for the Class? How do I contact him or her?**

Keller Rohrback L.L.P.  
1201 Third Avenue  
Suite 3200  
Seattle, Washington 98101  
1-800-244-7577